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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/147,970	03/23/1999	SIGRAM SCHINDLER	34248/DBP	2513
	7590 03/07/2003			
D BRUCE PROUT CHRISTIE PARKER & HALE PO BOX 7068			EXAMINER	
			YAO, KWANG BIN	
PASADENA,	CA 911097068	•	ART UNIT	PAPER NUMBER
			2664	

Please find below and/or attached an Office communication concerning this application or proceeding.

1-

		Application No.	Applicant(s)			
Office Action Summary		09/147,970	SCHINDLER ET AL.			
		Examiner	Art Unit			
		Kwang B. Yao	2664			
	The MAILING DATE of this communication app					
Period fo	• •	/ IO OFF TO F \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \				
THE - External control	MAILING DATE OF THIS COMMUNICATION. Insions of time may be available under the provisions of 37 CFR 1.13. SIX (6) MONTHS from the mailing date of this communication. In period for reply specified above is less than thirty (30) days, a reply of period for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be within the statutory minimum of thirty (30) owill apply and will expire SIX (6) MONTHS from the application to become ABANDO	timely filed days will be considered timely. om the mailing date of this communication. NED (35 U.S.C. § 133).			
1)🛛	Responsive to communication(s) filed on 12/1	<u>9/02</u> .				
2a)⊠	This action is FINAL . 2b) Thi	is action is non-final.				
3)	Since this application is in condition for allowa					
Disposit	closed in accordance with the practice under a ion of Claims	Ex parte Quayle, 1935 C.D. 11	, 453 O.G. 213.			
4)⊠)⊠ Claim(s) <u>1-16,22-26 and 32</u> is/are pending in the application.					
_	4a) Of the above claim(s) is/are withdrawn from consideration.					
5)	Claim(s) is/are allowed.					
6)⊠	Claim(s) <u>1-12,16,22-26 and 32</u> is/are rejected.					
7)⊠	Claim(s) <u>13-15</u> is/are objected to.					
	Claim(s) are subject to restriction and/or ion Papers	election requirement.				
· · _	•					
	The specification is objected to by the Examiner					
10)	The drawing(s) filed on is/are: a) accep Applicant may not request that any objection to the					
11)	The proposed drawing correction filed on					
,	If approved, corrected drawings are required in rep		roved by the Examiner.			
12)	The oath or declaration is objected to by the Exa					
	under 35 U.S.C. §§ 119 and 120					
	Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119	(a)-(d) or (f).			
	☐ All b)☐ Some * c)☐ None of:	. ,				
	1. Certified copies of the priority documents	s have been received.				
	2. Certified copies of the priority documents	s have been received in Applica	ation No			
* 5	3. Copies of the certified copies of the prior application from the International Bur See the attached detailed Office action for a list of	eau (PCT Rule 17.2(a)).	·			
14) 🗌 A	Acknowledgment is made of a claim for domestic	priority under 35 U.S.C. § 119	e(e) (to a provisional application).			
_) The translation of the foreign language prodeknowledgment is made of a claim for domestic	• •				
Attachmen		. ,				
2) 🔲 Notic	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informa	ary (PTO-413) Paper No(s) al Patent Application (PTO-152)			

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1-12, 16, 22-26, 32 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Arango (US 5,732,078).

Arango discloses a method for transferring data from a host 210 in Fig. 6, from a first access point 220 to a second access point 240 which are part of guaranteed bandwidth network 260, selectively by guaranteed bandwidth network 260 or WAN 230, comprising the steps of: establishing a connection from the host 210 to access point 220 of WAN 230; line-switching transferring of data through the connection from the host 210 to access point 220 of WAN 230; packeting of the data into data packets, and packet-switching transferring of the data packets through the packet-switching network from the access point 220 to the second access point 240; checking repeatedly whether a control signal exists which is initiated by the host 210 for changing over to guaranteed bandwidth network 260 to the second access point 240; establishing the line switching connection from the first access point 220 through guaranteed bandwidth network 260 with a presence of the control signal, if the line-switching connection is not yet present; changing over to a line-switching data transfer and transferring data over the line-switching connection via guaranteed bandwidth network 260 to the second access point 240. See column 9-12.

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Response to Arguments

3. Applicant's arguments filed 12/19/02 have been fully considered but they are not persuasive.

On pages 9-10, Applicant argues that access points 220 and 240 of Arango are part of the network infrastructure; and they are not located in at an end terminal as recited in the claims. Examiner respectfully disagrees with these arguments. Nowhere in Arango describes that the access points 220 and 240 are part of network infrastructure. Moreover, the features of "access points 220 and 240 not being located at end terminal 210 or 250" cannot be found in the reference of Arango. Therefore, it is believed that these arguments are irrelevant with respect to the rejected claims. Furthermore, as clearly depicted in Fig. 1 of Arango, the access point c does locate right next to the end terminal host h8.

Allowable Subject Matter

4. Claims 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

6. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kwang B. Yao whose telephone number is 703-308-7583. The

examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-872-9314 for regular

communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-3900.

KWANG BIN YAO PRIMARY EXAMINER

Kwang B. Yao

March 5, 2003